

EXHIBIT

440

October 11, 1968

REGISTERED MAIL

Mr. Raymond E. Blaha
Vice President - Operations
Louisville & Nashville Railroad Company
908 West Broadway
Louisville, Kentucky 40201

Dear Mr. Blaha:

The past history on Louisville & Nashville Railroad Company, Radnor Yards, indicates problems associated with this operation and the contaminants resulting therefrom. These contaminants are primarily waste diesel fuel, lubricating oil, detergents and varying amounts of solids. The discharge of this waste material untreated caused stream pollution in Browns Creek, a tributary of the Cumberland River.

Personnel from the Tennessee Stream Pollution Control Board had several conferences with the officials of Louisville & Nashville Railroad Company and specific recommendations were made regarding corrective measures. In 1965 a holding pond was constructed and an oil separator was provided to remove the oil from the wastewater. This system apparently eliminated the discharge of pollutional material into a drainage ditch that flowed eventually into Browns Creek.

Sometime following the construction and placing into operation the pond system, complaints were received regarding the contamination of a private water supply on the property adjacent to the Radnor Yards. The officials of Louisville & Nashville Railroad Company were aware of a leak in the pond. Through chemical analyses it was established that a definite relationship existed between the waste material in the pond and that material appearing in the private water supply. Following the availability of this information, specific recommendations were made to the Louisville & Nashville Railroad Company officials regarding the need for action to prevent the entry of this waste material into the ground water feeding this private water supply.

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In view of this problem, it is felt necessary to issue the attached Notice of Hearing. We sincerely hope that you will be able to submit the required data to the Tennessee Stream Pollution Control Board at the November 15, 1968, meeting.

Very truly yours,

R. H. Hutcheson, M. D.
Chairman

RHH:WHM:pam

Attachment

cc: Mr. D. M. Wear

cc: Metropolitan Health Department of
Nashville and Davidson County

IN THE MATTER OF

LOUISVILLE & NASHVILLE RAILROAD COMPANY,
 RADNOR YARD, NASHVILLE,
 DAVIDSON COUNTY, TENNESSEE

BEFORE THE TENNESSEE STREAM
 POLLUTION CONTROL BOARD

NOTICE OF HEARING

Pursuant to the Tennessee Code Annotated, Section 70-307, Mr. Raymond E. Bisha, Vice-President, Louisville & Nashville Railroad Company, Radnor Yards, of Nashville, Tennessee, is hereby notified that the company is required to appear through its officials or by its attorney before the Tennessee Stream Pollution Control Board on November 15, 1968, at 10:30 A. M., Central Standard Time, at the meeting which will be held in the office of the Tennessee Department of Public Health, Room 340-A, Cordell Hull Building, Nashville, Tennessee, and show cause in accordance with Section 70-307 of the Tennessee Code Annotated why the Board should not issue a Special Order directing the responsible officials of the Louisville & Nashville Railroad Company, Radnor Yards, Nashville, Tennessee, to:

1. Submit a schedule showing the date by which an engineering report outlining industrial wastewater treatment works will be submitted; the date by which construction plans and specifications for industrial wastewater treatment works will be submitted; the date by which construction of the treatment works will be commenced; and a date by which the works will be placed in satisfactory operation to provide the necessary industrial wastewater treatment facilities to prevent the pollution of the ground water aquifer providing a source of water for the adjacent property owner.
2. Prepare and submit an engineering report outlining industrial wastewater treatment works that will be provided to protect the receiving stream and downstream water uses.
3. Prepare and submit construction plans and specifications for industrial wastewater treatment works.
4. Begin construction of the necessary industrial wastewater treatment works.
5. Complete the construction of the industrial wastewater treatment works and place the facilities in satisfactory operation.

Issued at the office of the Tennessee Stream Pollution Control Board, Nashville, Tennessee, on this 11th day of October, 1968.

TENNESSEE STREAM POLLUTION CONTROL BOARD

 R. A. Hutchinson, Chairman